

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:01CR5-RLV**

**THIS MATTER** comes before the Court on its own motion for purposes of construing Defendant's filing of April 2, 2012 seeking an extension of time to appeal the Court's March 8, 2012 Order denying relief pursuant to 18 U.S.C. §3582(c)(2) as a Notice of Appeal. (Document #977) On May 22, 2012, the undersigned determined that Defendant's filing was, in fact, timely for purposes of FED. R. APP. P. 4(b) and 26(b). (Document #985) Accordingly, the Deputy Clerk is directed to forward a copy of Defendant's Notice of Appeal to the Fourth Circuit Court of Appeals.

**IT IS, THEREFORE, ORDERED** that Defendant's April 2, 2012 filing / motion is hereby construed as a Notice of Appeal consistent with the Court's Order of May 22, 2012. The Notice of Appeal is appropriately designated as having been filed March 31, 2012 (postmark date).

**IT IS FURTHER ORDERED** that the Deputy Clerk shall forward a copy of this Order to the Fourth Circuit Court of Appeals.

Signed: May 23, 2012

*Richard L. Varken*

Richard L. Voorhees  
United States District Judge

